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Letter dated 21 April 2016 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon the instructions of my Government, I am writing to inform you that in the early hours of 2 April 2016, in breach of the trilateral ceasefire agreement of 1994 and the trilateral agreement on the consolidation of ceasefire of 1995, both without time limitations, the armed forces of Azerbaijan unleashed a massive military operation along the line of contact with Nagorno-Karabakh with the use of heavy artillery, multiple rocket launchers, heavy flame thrower systems, armoured vehicles, tanks and air force. The positions of the Defence Army of Nagorno-Karabakh, as well as civilian infrastructure and settlements have been under severe attack.

The indiscriminate shelling of the civilian population resulted in the death of 12-year-old Vaghinak Grigoryan and the wounding of another two 12-year-old schoolchildren in the town of Martuni in Nagorno-Karabakh. The incursion in the village of Talish of the Martakert region of Nagorno-Karabakh resulted in barbaric acts committed by the armed forces of Azerbaijan, including the torture, maiming and killing of three elderly civilians, Ms. Marusya Khalapyan, Ms. Razmela Vardanyan and Mr. Valeri Khalapyan. Three soldiers of the Nagorno-Karabakh defence force, Karam Sloyan, Hayk Toroyan and Hrant Gharibyan were savagely beheaded. Footage of a severed head of a soldier of the Nagorno-Karabakh defence force has been publicly celebrated in the towns, villages and social networks of Azerbaijan. The Nagorno-Karabakh State Commission on Prisoners of War, Hostages and Missing Persons in the presence of representatives of the International Committee of the Red Cross registered signs of severe torture and mutilation on the deceased bodies transferred by the Azerbaijani side. The Office of the Prosecutor General of Nagorno-Karabakh has initiated criminal cases in relation to the serious violations by the armed forces of Azerbaijan of the norms of international humanitarian law during the armed clashes occurring from 2 to 4 April 2016. I attach herewith the reference of the Office of the Prosecutor General (see annex I)* and the statement of the State Commission of 11 April (see annex II).**

* Annex I is being circulated in the language of submission only.
** Annex II is being circulated in English and Russian only.

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These and other gross violations of core international instruments, including the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child and the Geneva Conventions of 1949 have been duly brought to the attention of the United Nations High Commissioner for Human Rights.

On 5 April a verbal arrangement was reached on the cessation of hostilities and the restoration of the ceasefire agreement of May 1994. However, Azerbaijan continues the violations of the 1994 ceasefire agreement. Since 2 April and up until today Nagorno-Karabakh has suffered a total of 96 casualties.

Since the signing of the 1994 trilateral ceasefire agreement, Azerbaijan has been in continuous breach of the agreement, with a particularly high intensity of violations and the use of heavy artillery during 2014 and 2015. Azerbaijan has been explicit in its ambition to seek a military solution to the conflict and has been incrementally raising the tensions in the region. These policies were coupled with the consistent refusal to engage constructively in the negotiations for the peaceful settlement of the conflict under the auspices of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group co-chairmanship, to implement confidence- and security-building measures, particularly to establish an investigative mechanism for the ceasefire violations, to strengthen the capacities of the Office of the Personal Representative of the OSCE Chairman-in-Office. The perfidious attempts to justify its latest large-scale military offensive by way of allegations of ceasefire violations by Nagorno-Karabakh are fully rejected. Furthermore, this latest escalation by Azerbaijan follows the logic of the long-standing policy of incitement to hatred against Armenians at the highest level, which led to extreme radicalization of the society in Azerbaijan, including among the youth.

Armenia has been consistently warning the international community, including through the United Nations, about the aggressive policies of Azerbaijan and their failure to commit to the peaceful settlement within the agreed format of the OSCE Minsk Group co-chairmanship. The latest military operation instigated by Azerbaijan has been unprecedented in its scale, the use of armaments and the losses inflicted. The continuation of military actions by Azerbaijan may lead to dangerous consequences, the full responsibility for which lies solely with the authorities of Azerbaijan. Armenia and Nagorno-Karabakh have no reason, interest, necessity or purpose to escalate the situation. They have consistently reiterated their full commitment to the peaceful settlement of the conflict and to the establishment of confidence-building measures aimed at consolidating the ceasefire regime. This position remains unwavering. The latest escalation and the accompanying atrocities stand proof of the existential threat to the people of Nagorno-Karabakh and the impossibility of a future for them under the rule of Azerbaijan. The atrocities committed by Azerbaijan evoke memories of massacres against Armenians in Sumgait, Baku, Kirovabad and elsewhere at the wake of the conflict. People of Nagorno-Karabakh have the right to self-defence. As a guarantor of their physical security, Armenia will stand by them.

As a matter of urgency and an immediate objective, Armenia and Nagorno-Karabakh underline the imperative of halting all ceasefire violations and the return of troops to positions and installations, which they held by 1 April, in full adherence to the 1994 trilateral ceasefire agreement between Azerbaijan, Nagorno-Karabakh

and Armenia, the immediate establishment of an investigative mechanism for the ceasefire violations, and the strengthening of the capacities of the Office of the Personal Representative of the OSCE Chairman-in-Office. Of equal importance and immediate priority is the full revitalization of the negotiations for the peaceful settlement of the conflict based on the principles and elements outlined in five statements of the presidents of the co-chair countries.

Armenia has expressed its appreciation to the international community, including to the Secretary-General of the United Nations, for the unequivocal condemnation of the latest military escalation and for the unwavering support to the activities of the OSCE Minsk Group co-chairs as the only agreed format for the peaceful settlement of the conflict. It is, however, necessary to identify and hold Azerbaijan accountable both for the use of force and for threatening peace and security in the region. Any position within the international community, which is based on bias and religious affiliation, should be rejected. Azerbaijan should be further denied any "forum shopping" and abuse of the United Nations, and distortion of the purpose and substance of Security Council resolutions, and should be urged to adhere strictly to the peaceful settlement of the conflict within the internationally agreed format of the OSCE Minsk Group co-chairmanship.

I kindly request that the present letter and its annexes be circulated as a document of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) Zohrab **Mnatsakanyan**
Ambassador
Permanent Representative

Annex I to the letter dated 21 April 2016 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Reference of the Office of the Prosecutor General on criminal cases initiated in relation to serious violations by the armed forces of the Republic of Azerbaijan of the norms of international humanitarian law during armed clashes from 2 to 4 April 2016

1. Criminal Case No. 131006.16 on elements of crimes provided for in paragraph 1, part 1, of article 416 (Serious Violations of International Humanitarian Law during Armed Conflicts), paragraphs 1 and 6, part 2, of article 416, and paragraph 2, part 3, of article 416 of the Criminal Code of the Nagorno Karabakh Republic

During 2 and 3 April 2016, Azerbaijani armed forces, aiming to achieve military advantage, in flagrant violation of international law, using prohibited means and methods of warfare and gravely violating norms of international humanitarian law, indiscriminately attacked civilian population in the deep rear of the line of contact. In the village of Talish of the NKR Martakert region, Azerbaijani armed forces with particular cruelty, deliberately and unlawfully deprived Razmela Vardanyan (born in 1956), Valerik Khalapyan (born in 1951) and Marusya Khalapyan (born in 1924) of their lives by:

- Inflicting a gunshot wound in the right side of the face, mutilation of both ears, four gunshot wounds to the left arm, two gunshot wounds to the left side of the chest and two in the back of Razmela Vardanyan
- Gunshot wounds on the right buccal part, left part of the lower jaw, right lateral surface of the neck with damage to the carotid artery, mutilation of both ears, multiple gunshot wounds to the chest and the back of Valerik Khalapyan, as well as an injury to the right temporal part
- Gunshot wounds to the left side of the upper jaw, left lateral part of the neck, the shoulder, left lateral part of the back and mutilation of the left ear of Marusya Khalapyan

As part of the same criminal case, a preliminary investigation on the following incidents is also under way:

On 4 April 2016, at around 2.30 p.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using rocket artillery systems, in a manner dangerous to the lives of many, shelled the civilian objects in the residential areas of Martouni town. As a result, a resident of the same town, Irina Baghdasaryan (born in 1958), received shrapnel wounds to the right arm and the surface of the rear chest wall.

On 4 April 2016, at around 7 p.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, as well as with the aim of intentional destruction of particularly large amounts of property, using rocket artillery systems, in a manner dangerous to the lives of many, shelled

the civilian objects in the residential areas of Askeran town. As a result, a cafeteria owned by a resident of the same town, Eric Gabrielyan (born in 1978), suffered damages, causing the latter a particularly large amount of material loss.

2. **Criminal Case No. 171010.16 initiated on 2 April 2016 under paragraphs 6 and 14, part 2, of article 103 (Murder), and paragraphs 1, 6 and 14, part 2, of article 103 of the Criminal Code of the Nagorno Karabakh Republic**

On 2 April 2016, at around 8.40 a.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using rocket artillery systems, in a manner dangerous to the lives of many, shelled the village of Zoravan of the Martouni region. As a result, a resident of the village of Her-Her of the same region, Vagharshak Tatoul Grigoryan (born in 2004), receiving shrapnel wounds to the neck, trachea, the oesophagus and the left carotid artery, died on the spot. Three other residents of the same community were wounded. Vardan Vladik Andreassian (born in 2005) received a shrapnel wound in the upper third of the thigh and fracture of the femoral bone, while Gevorg Tatoul Grigoryan (born in 2005) got a shrapnel wound of the thigh with extensive soft tissue injury, and Gorik Tatoul Grigoryan (born in 2005) received a scratch on the eyebrow.

3. **Criminal Case No. 161013.16 initiated on 2 April 2016 under article 33 (Attempt to commit a crime) and paragraphs 6 and 14, part 2, of article 103 (Murder), of the Criminal Code of the Nagorno Karabakh Republic**

On 2 April 2016, at around 6.30 a.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using rocket artillery systems, in a manner dangerous to the lives of many, shelled the village of Madaghis of the Martakert region. As a result, the head of the same community, Zaven Somik Avanessyan (born in 1985), received multiple shrapnel wounds to the head and torso.

4. **Criminal Case No. 161014.16 initiated on 2 April 2016 under article 33 (Attempt to commit a crime) and paragraphs 6 and 14, part 2, of article 103 (Murder), of the Criminal Code of the Nagorno Karabakh Republic**

On 2 April 2016, at around 9 a.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using rocket artillery systems, in a manner dangerous to the lives of many, shelled the village of Talish of the Martakert region. As a result, a resident of the same village, Tsovinar Vladimir Aghajanyan (born in 1961), received shrapnel injuries to the upper third of the right arm bone.

5. **Criminal Case No. 161015.16 initiated on 2 April 2016 under article 33 (Attempt to commit a crime) and paragraphs 6 and 14, part 2, of article 103 (Murder), of the Criminal Code of the Nagorno Karabakh Republic**

On 2 April 2016, at around 9 a.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using

rocket artillery systems, in a manner dangerous to the lives of many, shelled the village of Talish of the Martakert region. As a result, a resident of the same village, Garegin Vladimir Aghajanyan (born in 1973), received abdominal shrapnel wounds.

6. **Criminal Case No. 161016.16 initiated on 2 April 2016 under article 33 (Attempt to commit a crime) and paragraphs 6 and 14, part 2, of article 103 (Murder), of the Criminal Code of the Nagorno Karabakh Republic**

On 2 April 2016, at around 7.55 p.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using rocket artillery systems, in a manner dangerous to the lives of many, shelled the village of Madaghis of the Martakert region. As a result, a resident of the same village, Kamo Arshavir Abrahamyan (born in 1961), received multiple shrapnel wounds to the body.

7. **Criminal Case No. 161017.16 initiated on 2 April 2016 under article 33 (Attempt to commit a crime) and paragraphs 6 and 14, part 2, of article 103 (Murder), of the Criminal Code of the Nagorno Karabakh Republic**

On 2 April 2016, at around 3 a.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using rocket artillery systems, in a manner dangerous to the lives of many, shelled the village of Talish of the Martakert region. As a result, a resident of the same village, Kamo Garik Ohanyan (born in 1999), received shrapnel injuries to the left knee.

9 April 2016

Annex II to the letter dated 21 April 2016 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

[Original: English and Russian]

Statement of the State Commission on Prisoners of War, Hostages and Missing Persons

On 10 April, in accordance with the arrangement reached earlier, the State Commission on Prisoners of War, Hostages and Missing Persons of the Nagorno Karabakh Republic, through the mediation of the International Committee of the Red Cross and the Office of the Personal Representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe, carried out the exchange of bodies of the deceased between the Nagorno Karabakh Republic (NKR) and Azerbaijan near the Bash Karvend settlement. The bodies of 18 servicemen of the NKR Defence Army, fallen as a result of the large-scale military aggression unleashed by Azerbaijan from 2 to 5 April, were transferred to the NKR side during the exchange.

At the presence of the representatives of the International Committee of the Red Cross, the NKR State Commission on Prisoners of War, Hostages and Missing Persons registered that all bodies of the decreased transferred by the Azerbaijani side had signs of torture and mutilation.

Those acts, being a flagrant manifestation of inhumanity, run counter to the laws and customs of war and are in grave violation of international humanitarian law, in particular, the Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), Geneva Convention (III) relative to the Treatment of Prisoners of War (1949) and the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I).

The Karabakh side will seek to ensure that such behaviour of the Azerbaijani side is condemned in the strongest terms by the international community and the specialized agencies, and those responsible are brought into account.

11 April 2016